

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Scott Nicholas Rogers

v.

Civil No. 12-cv-324-PB

State of New Hampshire

**O R D E R**

Scott Nicholas Rogers has filed a petition for a writ of habeas corpus (doc. no. 1), pursuant to 28 U.S.C. § 2254, in this court. Rogers has also filed motions to proceed in forma pauperis (doc. no. 3), to appoint counsel (doc. no. 4), and to unseal a court record (doc. no. 5). In a report and recommendation issued on this date, the magistrate judge has recommended that Rogers's petition for writ of habeas corpus (doc. no. 1) be dismissed without prejudice because the New Hampshire Supreme Court has not yet ruled on his direct appeal of his convictions, and thus the petition is not ripe for review in this court. Rogers's motions (doc. nos. 3, 4 and 5) are likewise denied, without prejudice to refiling if the recommendation of dismissal is not accepted.

SO ORDERED.

  
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Landya McCafferty  
United States Magistrate Judge

October 1, 2012  
cc: Scott Nicholas Rogers, pro se